

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS**

MALIBU MEDIA, LLC, )  
Plaintiff, ) Civil Case No. 4:16-cv-02416  
v. )  
BENJAMIN DAY, )  
Defendant. )

**PLAINTIFF'S NOTICE OF SETTLEMENT AND VOLUNTARY DISMISSAL  
WITH PREJUDICE OF BENJAMIN DAY**

**PLEASE TAKE NOTICE,** Plaintiff has settled this matter with Benjamin Day (“Defendant”) through his counsel, Robert Cashman, Esq. Pursuant to the settlement agreement’s terms, Plaintiff hereby voluntarily dismisses Defendant from this action with prejudice. Benjamin Day was assigned the IP Address 99.71.154.75. Pursuant to Fed.R.Civ.P. 41(a)(1)(A)(i) Defendant Benjamin Day has neither answered Plaintiff’s Complaint nor filed a motion for summary judgment.

Consistent herewith Plaintiff consents to the Court having its case closed for administrative purposes.

Dated: January 23, 2017

Respectfully submitted,

LOWENBERG LAW FIRM, PLLC  
By: /s/ Andrew D. Kumar  
**MICHAEL J. LOWENBERG**  
Federal Bar No. 22584  
Texas Bar No. 24001164  
Email: [Mike@thetexastriallawyers.com](mailto:Mike@thetexastriallawyers.com)  
**ANDREW D. KUMAR**  
Federal Bar No. 1409965

Texas Bar No. 24075913  
Email: Andrew@thetexastriallawyers.com  
7941 Katy Freeway, Suite 306  
Houston, Texas 77024  
Telephone: (832) 241-6000  
Telecopier: (832) 241-6001

**CERTIFICATE OF SERVICE**

I hereby certify that on January 23, 2017, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: */s/ Andrew D. Kumar*  
ANDREW D. KUMAR